


## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jonathan Kirschenbaum, AICP, Development Review Specialist  
 Joel Lawson, Associate Director Development Review

**DATE:** April 13, 2023

**SUBJECT:** BZA Case 20869 (336 11<sup>th</sup> Street, NE) to permit an enlargement of an existing single household row dwelling.

### I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Lot Occupancy, Subtitle E § 304.1, pursuant to Subtitle E § 5201.1 (60% maximum permitted; 61% existing; 66.5% proposed).

### II. LOCATION AND SITE DESCRIPTION

Address:	336 11th Street, NE
Applicant:	Colleen Durbin & Nicholas Tabori
Legal Description:	Square 963, Lot 19
Ward / ANC:	6/6A
Zone:	RF-1
Historic District:	Capitol Hill Historic District
Lot Characteristics:	Regularly shaped interior lot measuring approximately 16 feet by 65.87 feet. The lot is bounded by 11 <sup>th</sup> Street, NE to the east, residential row buildings to the north and south, and a 10-foot public alley to the west.
Existing Development:	Two-story plus cellar single household row dwelling.
Adjacent Properties & Surrounding Neighborhood Character:	The surrounding neighborhood character is predominately residential row buildings.
Proposed Development:	The applicant proposes to enlarge the existing house by filling in an existing court on the existing first floor. Lot occupancy relief is only required for the first-floor addition as lot occupancy is measured by floor. The applicant also proposes to construct a third-floor addition, which would comply with the development standards of the zone.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width E § 201	18 ft. min.	16 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	1,054 sq. ft.	No change	None required
Height E § 303	35 ft. max. / 3 stories	28 ft./ 2 stories	33.83 ft./ 3 stories	None required
Lot Occupancy E § 304	60% max.; 70% by sp. ex.	61%	66.5% for first floor	<b>Special Exception</b>
Front Setback E § 305	Setback must be in range of existing front setbacks	Front setback is in range of existing front setbacks	No change	None required
Rear Yard E § 306	20 ft. min.	22.9 ft.	No change	None required
Rear Wall Extension E § 205	Addition may not extend more than 10 ft. past farthest rear wall of any adjoining building	Existing rear wall does not extend beyond rear wall of adjoining buildings	Proposed rear wall does not extend beyond rear wall of adjoining buildings	None required
Side Yard E § 307	None required, but 5 ft. min. if provided	No side yard existing	No change	None required
Parking C § 701.5	1 parking space per 2 dwelling units	No parking provided	No change	None required

### IV. ANALYSIS

#### Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Pervious surface.*

The applicant has requested relief from the lot occupancy development standard, consistent with this section, for an addition to a principal residential building on a non-alley lot.

*5201.2 & 5201.3 not relevant to this application*

5201.4 *An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

*(a) The light and air available to neighboring properties shall not be unduly affected;*

The proposed infilling of the existing court (dog leg) on the first floor should not have an undue impact on light and air available to neighboring properties. The proposed height of the proposed addition requiring relief would be 14 feet, well under the maximum permitted height of 35 feet in the RF-1 zone. The proposal would comply with the 10-foot rule as it would not extend beyond any adjoining rear wall on adjacent properties and would comply with the rear yard requirement for the zone. Any increase in shadows cast on neighboring properties should not be undue and should not be considered unreasonable for an area that is developed primarily with row buildings.

The provision of air available to neighboring properties should not be unduly affected as the proposed addition would not extend past the rear wall of either adjoining residential property, would comply with rear yard requirement, and would not abut any windows along the property to the south where the existing court will be filled.

*(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Privacy and enjoyment of neighboring properties should not be unduly compromised as there would be no proposed windows facing the abutting the residential property to the south and the proposed addition requiring relief would be one-story.

*(c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

The proposed addition requiring relief should not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. The proposed height of the addition requiring relief would comply with the Zoning Regulations. The infilling of the court would not be visible from the street as it would be located at the rear of the property. The proposed addition requiring relief would be designed to look residential and would be one-story. Thus, the proposed height, scale, and design as viewed from the public alley are in keeping with the intent of the zoning and the prevailing residential character of adjacent properties.

*(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided plans, photographs, elevations, and a shadow study to sufficiently represent the relationship of the proposed row building from public ways.

*5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP does not recommend any special treatment for the proposal.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The proposed height and number of stories would comply with the RF-1 development standards and the proposed lot occupancy would be under the maximum allowed by special exception.

#### **Subtitle X Section 901.2 for Lot Occupancy Relief**

*(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The Zoning Regulations allow for an addition to a principal building provided that those changes meet the criteria of Subtitle E § 5201. In this case the application meets those criteria, and the proposal would not result in a use or building bulk not anticipated by zoning, so relief can be granted without impairing the intent of the Zoning Regulations.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As noted above, the proposed addition should not have undue impacts on adjacent dwellings in terms of light, air, or privacy.

*(c) Subject in specific cases to the special conditions specified in this title.*

OP does not recommend any special conditions.

#### **V. OTHER DISTRICT AGENCIES**

DDOT at Exhibit 21 filed a report to the record, indicating no objection to the proposal.

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

To date, no comments were received by the ANC at the time this report was filed to the record.

#### **VII. COMMUNITY COMMENTS TO DATE**

At Exhibit 22 is a letter in support from a neighbor.

Location Map

